

**WILLIAMSBURG
BOARD OF ZONING APPEALS
MINUTES**

July 2, 2002

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, July 2 at 3:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Board members Chohany, Carr, Kafes, Knudson, and White. Also present were Zoning Administrator Murphy and Secretary Scott.

CALL TO ORDER AND MINUTES

Chairman Kafes called the meeting to order.

Mr. Carr moved that the minutes of the June 4, 2002 meeting be approved as submitted. The motion carried viva voce.

PUBLIC HEARINGS

BZA #14-02: Request of Robert and Andrea Lunsford for a variance from Section 21-142 of the Zoning Ordinance to construct a single-family dwelling 23.5 feet from the rear property line instead of 25 feet. The property is located at 400 Yorkshire Drive, Williamsburg Tax Map Number 583-(03)-01-028 and is zoned Single Family Dwelling District RS-1. Approved.

Chairman Kafes introduced the case and invited the applicant/representative to comment.

Representative for the Lunsfords, Elliott Amick, said this shallow corner lot, lot 28, presents a unique situation, and the request for a rear yard setback variance of 1.5 feet is minimal. He said the Holly Hills Design Review Board has determined that the originally proposed garage location is contrary to their Design Standards and has rejected this orientation even though it conforms with all minimum yard requirements of the City's Zoning Ordinance. He added that reversing the garage to the opposite side results in the 1.5 foot encroachment into the rear yard on the right rear corner of the proposed house. Mr. Amick concluded his case by saying that he has personally talked with neighbors and the chairman of the Homeowner's Association who support the request.

Board discussion points included:

- Alternate location of house were discussed, and dismissed i.e., "tilt" the house, pull house back on lot
- Topography is basically flat

- Garage construction on left is approved by the Holly Hills Board.
- Needed garage space is a 25 foot minimum and will create a two car garage with two doors

Chairman Kafes dispensed with the public hearing portion of the meeting since there was no one in the audience to speak.

Chairman Kafes noted that the following neighbors have sent letters in support of the request:

1. John and Bernice Wills
2. J. Douglas and Lynda Stitzel – 204 Yorkshire Drive
3. Ken and Ada Lou Turner – 401 Yorkshire Drive
4. Horst and Anny Barth – 212 Yorkshire Drive
5. Jan K. Matthias – 130 Yorkshire Drive
6. Donald Everist

Mrs. Knudson moved that the request for a variance of 1.5 feet be approved based on Section 21-97(b)1. of the Zoning Ordinance which states: "When a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the chapter, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property immediately adjacent thereto, the strict application of the terms of the applicable provisions of this chapter would effectively prohibit or unreasonably restrict the utilization of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter."

Mr. Chohany seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the Motion:

Aye: Knudson, Kafes, White, Chohany, Carr
No: None
Absent: None

Mr. Kafes stated that this odd-shaped lot **calls** for the granting of a variance.

OLD BUSINESS

Board of Zoning Appeals Bylaws

Mr. Kafes distributed copies of amended proposed Board Bylaws and asked that Board members review them for discussion at the next meeting.

Procedures in Other Jurisdictions

Mrs. White distributed copies of "Meeting Procedures in Neighboring Localities" for Board review.

NEW BUSINESS – None

There being no further business before the Board the meeting adjourned at 3:20 p.m.

Respectfully submitted,

Judy Knudson, Secretary